



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Koko Cronin, Project Manager

Public Notice Date: September 9, 2005
Expiration Date: October 10, 2005
Reference: 200500447
Name: American Construction Co., Inc.

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, for certain work described below and shown on the enclosed drawings.

APPLICANT: American Construction Co., Inc.
411 - 13th Street
Everett, Washington 98201
ATTN: Mr. William Elmer
Telephone: (425) 259-0118

LOCATION: In Hylebos Waterway off Commencement Bay, Puget Sound, at Tacoma, Washington.

WORK: The proposed work is to install three 4-foot wide by 50-foot long grated ramps, a 10-foot wide by 730-foot long float assembly secured by sixteen 36-inch diameter steel piles. Concrete pads constructed in the uplands would serve as the base for the ramps leading to the float assembly. Piles would be driven into the substrate by using a vibratory hammer (see attached drawings).

PURPOSE: To relocate the operational base of American Construction Company, a marine contracting company.

MITIGATION: No mitigation is proposed.

ADDITIONAL INFORMATION: The proposed work would occur adjacent to an Environmental Protection Agency (EPA) CERLA site, for which the applicant has voluntarily entered into a clean-up agreement. Phase 1 of the construction plan consists of work all undertaken in the uplands and is not subject to a permit action for review by the U.S. Army Corps of Engineers (Corps). Phase 2 of the construction plan is the water-dependent activity proposed herein. Phase 3 will include habitat restoration associated with the National Oceanic and Atmospheric Administration's Natural Resource Damages and the EPA's CERLA action on the subject property.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Puget Sound Chinook (*Oncorhynchus tshawytscha*), threatened; Puget Sound coho (*O. kisutch*), proposed; Coastal-Puget Sound bull trout (*Salvelinus confluentus*), threatened; bald eagle (*Haliaeetus leucocephalus*), threatened; Steller sea lion (*Eumetopias jubatus*), threatened; and the Killer whale (*Orcinus orca*), all listed in the state of Washington, occur or may occur in the

proposed project area. A preliminary determination indicates that the activity may affect, but is not likely to adversely affect Chinook, bull trout, coho salmon, Steller sea lions, bald eagles or Killer whales.

For Chinook salmon and bull trout, critical habitat has been designated. A preliminary determination indicates that the activity will cause no destruction or adverse modification to designated critical habitat. Informal consultation under Section 7 of the ESA has been initiated with the NMFS and the USFWS.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact approximately 0.2 of an acre of EFH for Pacific salmon, Groundfish, and Coastal Pelagic species in the project area. If the Corps determines that the proposed action may adversely affect EFH for federally-managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. There are no recorded historic properties within the permit area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

200500447

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

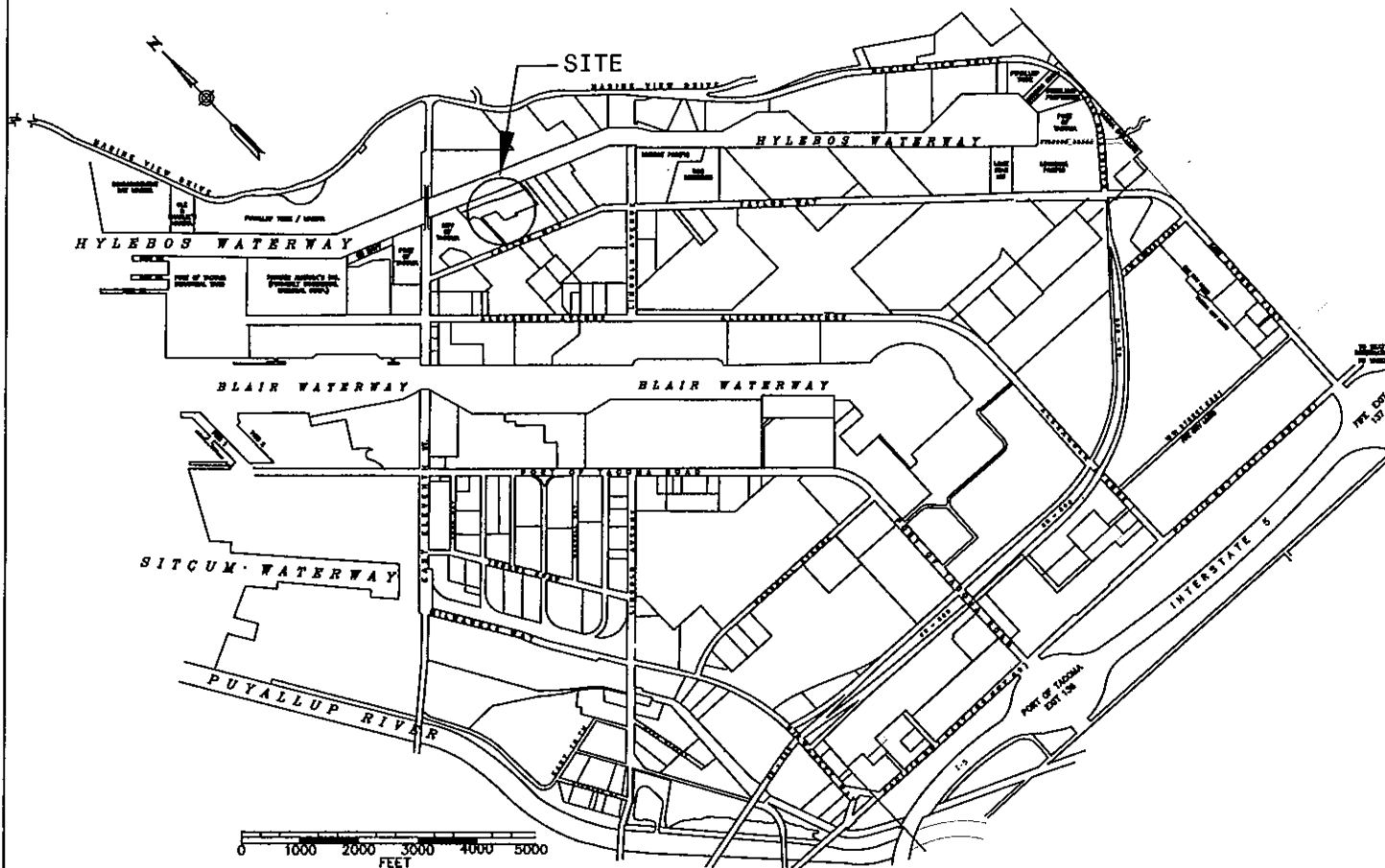
ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

This proposal is the subject of Shorelines Substantial Development Permit under evaluation by the City of Tacoma.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Koko.Z.Cronin@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

American Construction Co., Inc., 200500447

Encl
Drawings (5 sheets)

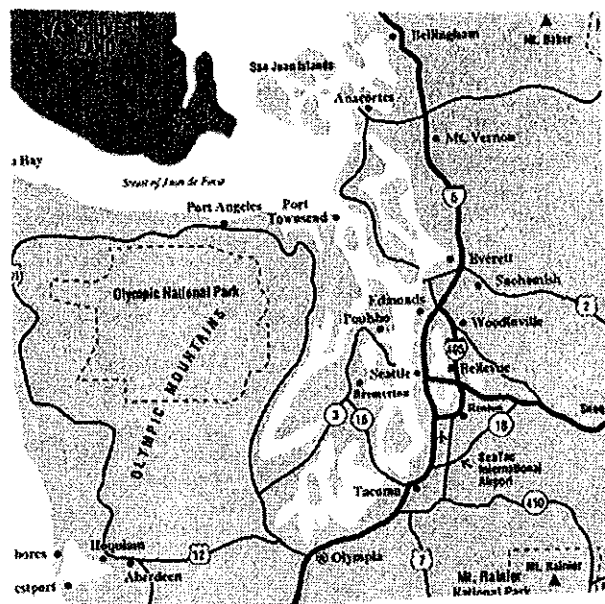


LOCATION MAP

TIDAL DATUMS

MHHW = 11.82'
 MHW = 10.94'
 MSL = 6.86'
 MLW = 2.85'
 MLLW = 0.00'

LATITUDE 47° 16' 33"
 LONGITUDE 122° 23' 24"



VICINITY MAP

PURPOSE: Marine General Contractor Main Yard and Equipment Staging

DATUM: mllw=0.0'

ADJACENT PROPERTY

- OWNERS:
1. City of Tacoma
 2. Simon & Sons
 3. McMillan Piper

NAME: American Construction Company, Inc.

SITE LOCATION ADDRESS:

1501 Taylor Way
 Tacoma, WA 98421

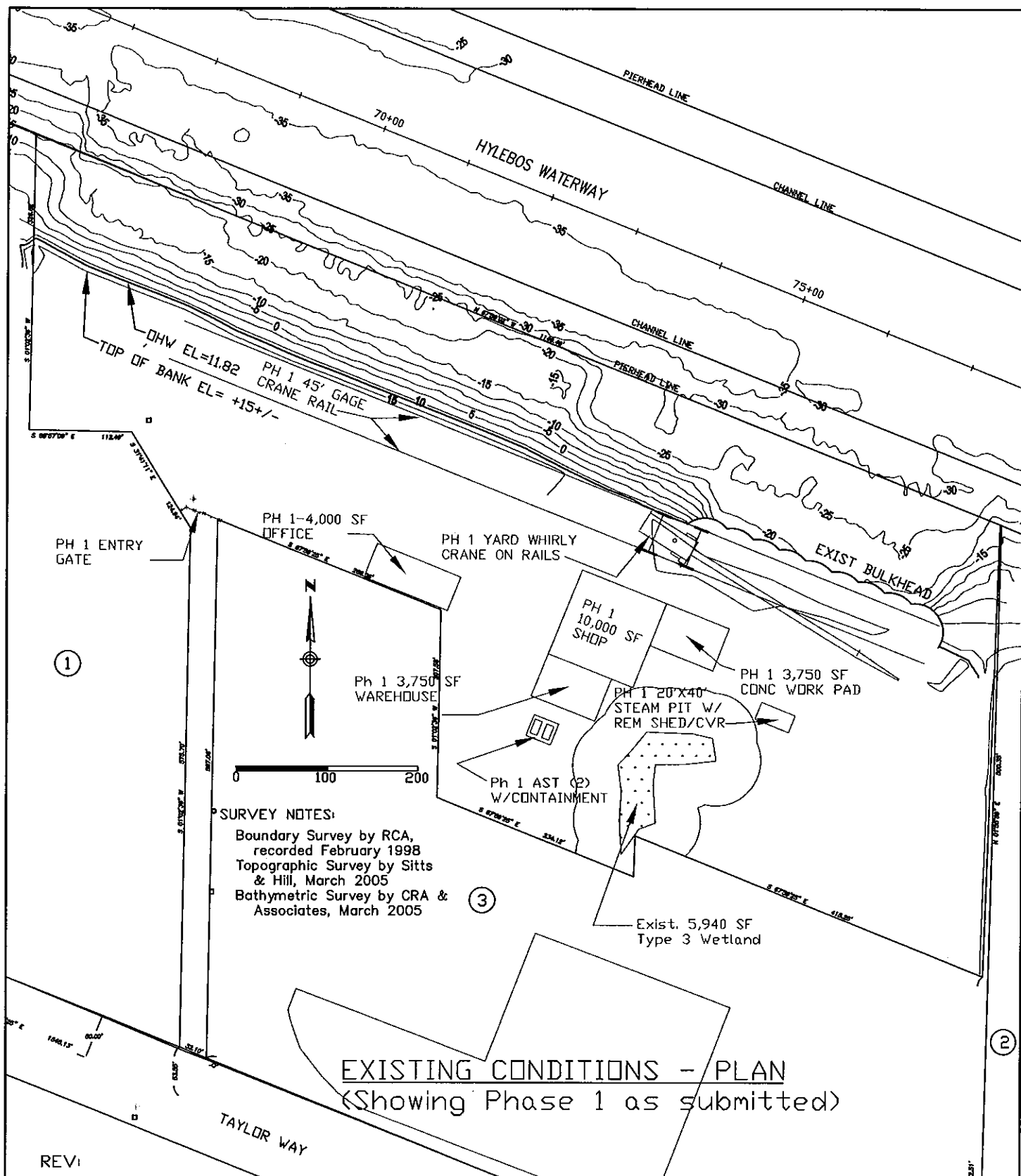
REFERENCE #: 200500447

PROPOSED: Main Yard Dev. Ph 2 - Floats, Piling, Gangways

IN: Hylebos Waterway

AT: Tacoma, Washington
 SEC26, T21N, R3E

SHEET: 1 of 5 DATE: April 2005



Marine General
Contractor Main Yard
and Equipment Staging

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OWNERS: 1. City of Tacoma
2. Simon & Sons
3. McMillan Piper

NAME: American Construction
Company, Inc.

SITE LOCATION ADDRESS:
1501 Taylor Way
Tacoma, WA 98421

REFERENCE #: 200500447

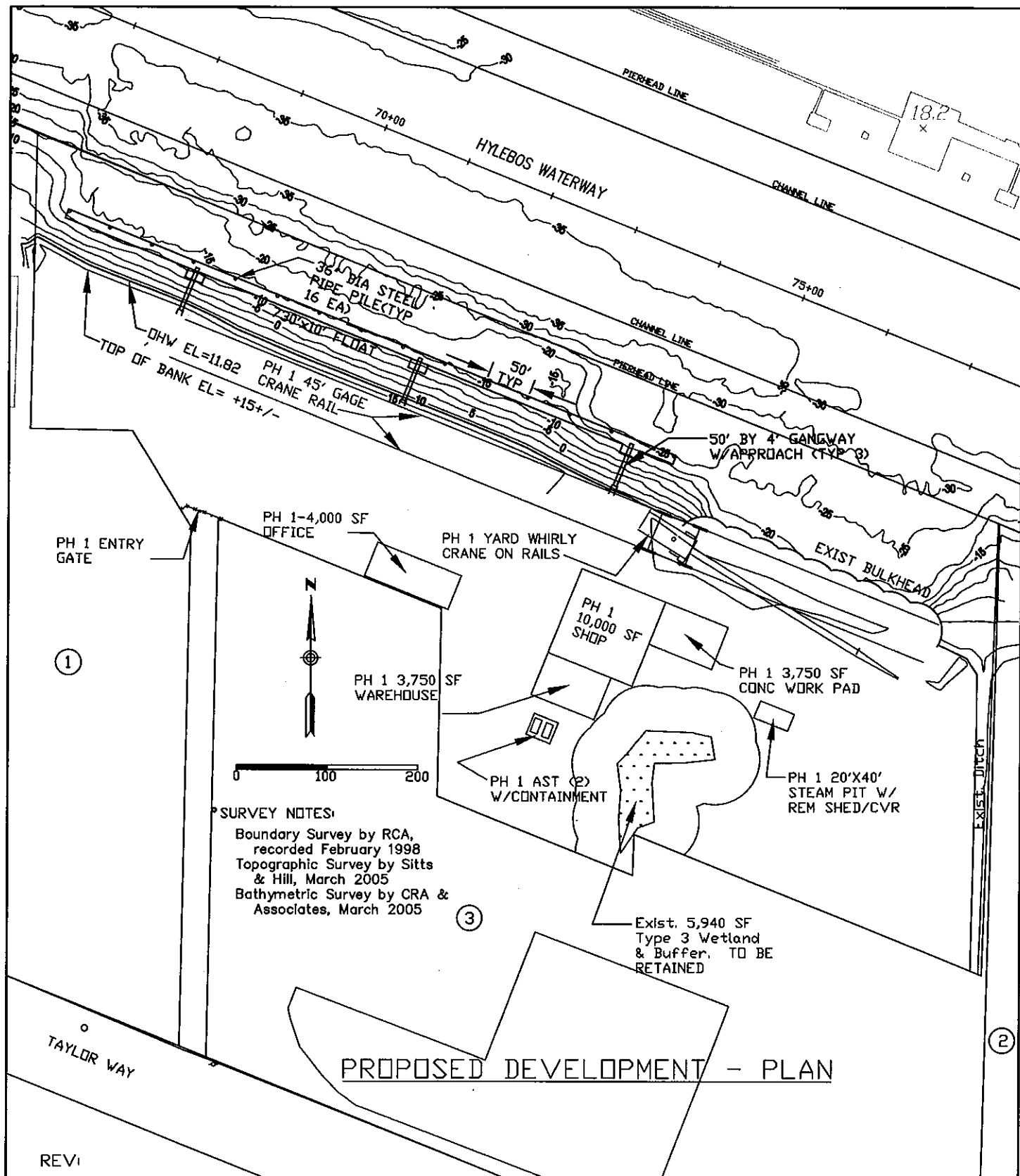
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SHEET: 2 of 5 DATE: April 2005

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Marine General Contractor Main Yard and Equipment Staging

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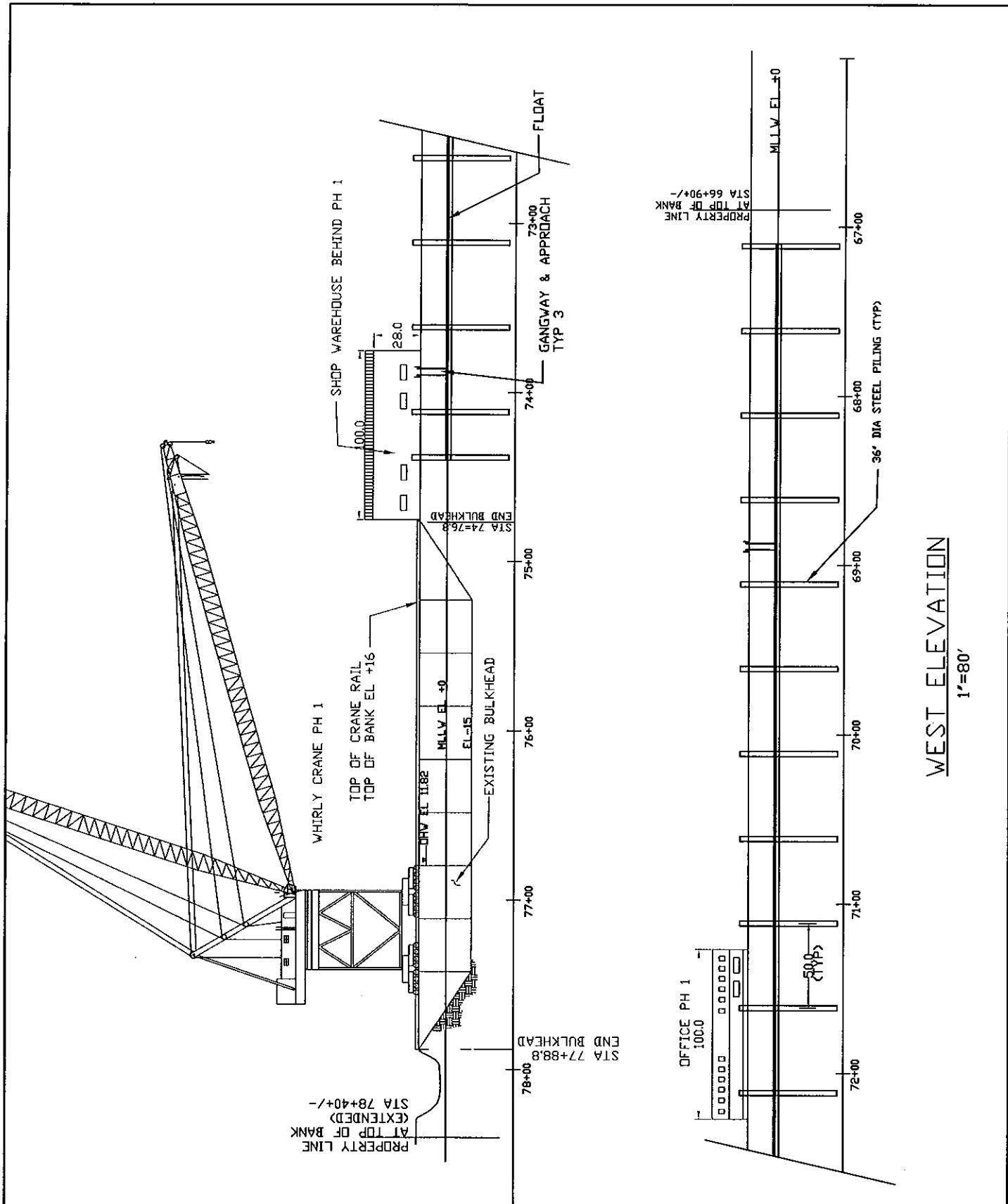
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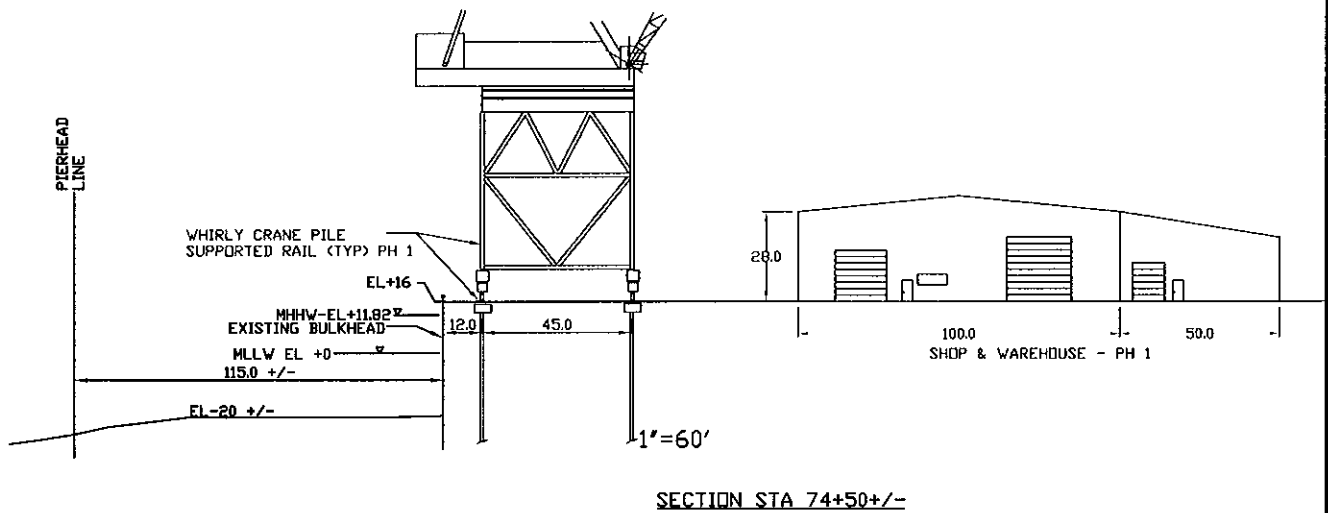
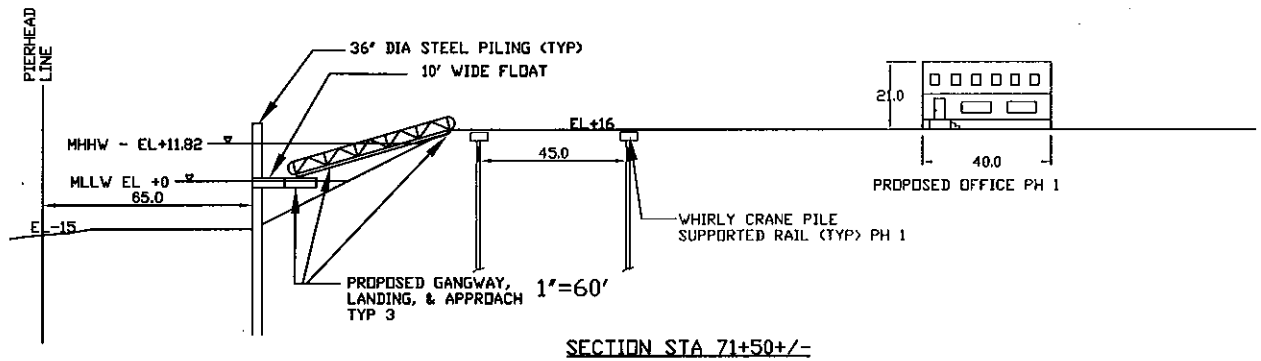
AT: Tacoma, Washington
SEC26, T21N, R3E

SHEET: 3 of 5 DATE: April 2005

Rev 8/15/2005



<p>Marine General Contractor Main Yard and Equipment Staging</p> <p>DATUM: mllw=0.0'</p> <p>ADJACENT PROPERTY OWNERS:</p> <ol style="list-style-type: none"> 1. City of Tacoma 2. Simon & Sons 3. McMillan Piper 	<p>NAME: American Construction Company, Inc.</p> <p>SITE LOCATION ADDRESS:</p> <p>1501 Taylor Way Tacoma, WA 98421</p> <p>REFERENCE #: 200500447</p>	<p>PROPOSED: Main Yard Dev. Ph 2 - Floats, Piling, Gangways</p> <p>IN: Hylebos Waterway</p> <p>AT: Tacoma, Washington SEC26, T21N, R3E</p> <p>SHEET: 4 of 5 DATE: April 2005</p>
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: September 9, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200500447 will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that Program.

Any person desiring to present views on the project pertaining to the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600